

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

Action No. 18-777

v.

ROBERT EVANCHICK, et. al.,

Defendants.

Memorandum of Points and Authorities in Support of Plaintiff's Motion  
to Compel Assigned Judge to Recuse for Cause<sup>1</sup>

Take Judicial Cognizance

Take Judicial Notice

1. Plaintiff is Edward Thomas Kennedy, one of the people of Pennsylvania, in this court of record, wishes the Judges assigned to administrate this case to recuse from the case for cause pursuant to 28 U.S.C. § 455(a). Pursuant to 28 U.S.C. § 455(a), recusal is mandatory in “any proceeding in which his impartiality might reasonably be questioned.”<sup>2</sup>

2. In this court of record, the Judge is automatically suspended and has trespassed on the case.

3. Kennedy reasonably questions judicial impartiality of the judge in this case due to controversy concerning the birth and thus legitimacy of the Presidency of Barack Obama.

4. Kennedy reasonably questions said said Judges' impartially, for he is an Obama

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<sup>1</sup> recusal is mandatory

<sup>2</sup> RIPPO v. BAKER, <https://www.law.cornell.edu/supremecourt/text/16-6316#>, and see also Rippo v. Baker, 137 S. Ct. 905 - Supreme Court 2017, link here: [https://scholar.google.com/scholar\\_case?case=16357450812613744876&q=RIPPO+v.+BAKER,+&hl=en&as\\_sdt=6,39](https://scholar.google.com/scholar_case?case=16357450812613744876&q=RIPPO+v.+BAKER,+&hl=en&as_sdt=6,39)

appointee, and respectfully wishes him to recuse from this case due to the long term, ongoing "birther" controversy on the public record among Barack Obama, Michelle Obama, and Donald J. Trump, for it is probable Kennedy is injured by the assigned Obama administration, appointed, Judge Smith on August 1, 2013 by President Obama.

5. According to Politico, Michelle Obama said, 'I'd never forgive' Trump for promoting birther conspiracy.<sup>3</sup>

6. President Trump recently said, "I guess she wrote a book. She got paid a lot of money to write a book," the president said. "And they always insist that you come up with controversial — well, I'll give you a little controversy back. I'll never forgive him for what he did to our United States military. By not funding it properly, it was depleted."

7. Donald J. Trump raised questions about President Barack Obama's citizenship, and Michelle Obama, the wife of Barack Obama, continues the controversy in public.<sup>4</sup>

8. In the past, Donald J. Trump supported the rumors that Obama wasn't born in America, saying he's a "little" skeptical of Obama's citizenship and that every so-called birther who shares the view shouldn't be so quickly dismissed as an "idiot." "Growing up no one knew him," Trump told ABC's "Good Morning America" during an interview aboard his private plane, Trump Force One. "The whole thing is very strange."<sup>5</sup>

9. Today, Donald J. Trump is now President of the United States.

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<sup>3</sup> <https://www.politico.com/story/2018/11/09/michelle-obama-trump-birther-978810>

<sup>4</sup> In Her New Book, Michelle Obama Denounces Trump's Sexism and His Promotion of the 'Birther' Conspiracy, By Alexandra Alter, Nov. 9, 2018, link here: <https://www.nytimes.com/2018/11/09/books/michelle-obama-book-becoming.html>

<sup>5</sup> <https://www.politico.com/story/2011/03/donald-trump-birther-051473>

10. The power of the Executive Branch is vested in the President of the United States, who also acts as head of state and Commander-in-Chief of the armed forces.

11. Kennedy notices this court of General Orders No. 100 : The Lieber Code<sup>6</sup> and Law of Armed Conflict, Senator Lindsey Graham Questions Brett Kavanaugh Military concerning Law vs Criminal Law.<sup>7</sup>

12. President Trump is responsible for implementing and enforcing the laws written by Congress, and this court has no authority or jurisdiction to make law. Additionally, the country is a republic, and not a judicial dictatorship.

13. The Constitution lists only three qualifications for the Presidency — the President must be 35 years of age, be a natural born citizen, and must have lived in the United States for at least 14 years.

14. In March 2011, during an interview on Good Morning America, Donald Trump said that he was a "little" skeptical of Obama's citizenship, and that someone who shares this view should not be so quickly dismissed as an "idiot" (as Trump considers the term "birther" to be "derogatory". Trump added, "Growing up no one knew him".<sup>8</sup> (emphasis added)

15. In an NBC TV interview broadcast on April 7, 2011, Trump said he would not let go of the issue, because he was not satisfied that Obama had proved his citizenship.<sup>9</sup>

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<sup>6</sup> [http://avalon.law.yale.edu/19th\\_century/lieber.asp](http://avalon.law.yale.edu/19th_century/lieber.asp)

<sup>7</sup> link here: [https://www.youtube.com/watch?v=3\\_gmOsnjrZw&index=25&list=WL&t=0s](https://www.youtube.com/watch?v=3_gmOsnjrZw&index=25&list=WL&t=0s)., Case cited by Graham and Kavanaugh is here: YASER ESAM HAMDI v. DONALD H. RUMSFELD, SECRETARY OF DEFENSE, et al., link here: <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/hamdi.html>.

<sup>8</sup> <http://www.politico.com/news/stories/0311/51473.html>

<sup>9</sup> 15. Trump also appeared on television on The View and repeated several times that "I

16. Kennedy notices the court of an ongoing legitimacy, controversy surrounding Obama which supports his motion for said judge to recuse, and Kennedy is also a "little" skeptical of Obama's citizenship.

17. Recuse herein means said judge as unacceptable to be a judge in this case and is mandatory under US law, and the Law of the Case, Exhibit 1, filed in this case.

18. Summary: Pursuant to 28 U.S.C. § 455(a), recusal is mandatory in "any proceeding in which his impartiality might reasonably be questioned." Kennedy reasonably questions said Judges' impartially, and respectfully wishes him to recuse from this case due to the current, long term, ongoing "birther" controversy on the public record public among Barack Obama, Michelle Obama, and President Donald J. Trump, for it is probable Kennedy may be injured by the assigned Judges, Barack Obama administration appointees, in loss of rights.

Date: November 20, 2018

Respectfully submitted,

*/s/ Edward Thomas Kennedy*      seal

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want him [Obama] to show his birth certificate." He speculated that "there [was] something on that birth certificate that [Obama] doesn't like".